

STATUS CONFERENCE

BEFORE THE

CALIFORNIA ENERGY RESOURCES CONSERVATION

AND DEVELOPMENT COMMISSION

In the Matter of:)	
)	
Application for Certification)	Docket No.
of Duke Energy for the)	99-AFC-4
Moss Landing Power Project)	

HEARING ROOM A

1516 NINTH STREET

SACRAMENTO, CALIFORNIA

THURSDAY, FEBRUARY 24, 2000

2:00 p.m.

Reported By:

Debi Baker

Contract No. 170-99-001

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

COMMITTEE MEMBERS PRESENT

Michael C. Moore, Commissioner

Shawn Pittard, Commissioner Advisor

Gary Fay, Hearing Officer

STAFF PRESENT

Cynthia Praul

Paul Richins

Jeffery Ogata

PUBLIC ADVISER

Roberta Mendonca

APPLICANT

Christopher Ellison
Ellison & Schneider, LLP

Jane E. Luckhardt
Downey, Brand, Seymour & Rohwer

Wayne J. Hoffman
Duke Energy North America

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1 P R O C E E D I N G S

2 HEARING OFFICER FAY: Good afternoon.

3 This is a Status Conference in the Moss
4 Landing Power Plant Project, AFC Case. It was
5 noticed on February 14th by the Committee, to
6 review some of the statements made by the Staff in
7 their Status Report Number 5 regarding the
8 schedule concerning the delivery of Section 316,
9 Water Studies. And so we'd like the parties to
10 address what effect that may have -- when the
11 studies can be expected, and what effect it may
12 have on the schedule.

13 I spoke to Mr. Ogata before the Status
14 Conference and he indicated that -- that Staff and
15 Applicant were either close to or had reached
16 agreement on how to approach this.

17 So I'd like to start with the Applicant
18 and ask you folks if you have something to tell us
19 about this.

20 MR. ELLISON: Thank you, Mr. Fay, and
21 Commissioner Moore.

22 Chris Ellison, Ellison and Schneider,
23 representing the Applicant. To my right is Jane
24 Luckhardt, Downey, Brand, Seymour and Rohwer, co-
25 counsel for Duke on this project.

1 As you noted, we have met with the Staff
2 this morning. We believe we do have a agreed upon
3 schedule, which I'll describe momentarily.

4 To put this in -- in context, there are
5 -- what I'd like to do first is to go to the back
6 end of the process and talk about the two key
7 dates that I think should be of concern to the
8 Committee at the back end, and then talk about
9 the front end of the process and the inputs that
10 are necessary to -- to -- that are driving the
11 schedule at this point, and then how we've
12 proposed to resolve those with the Staff.

13 From Duke's perspective, and I would
14 assume the Committee's, there are, I think, two
15 key back end dates. The first, of course, is the
16 12-month deadline in the Warren-Alquist Act for
17 processing these cases. That date is August 11th.

18 And the second one, from the standpoint
19 of Duke, and -- and certainly we think the public,
20 is the decision date which is necessary in order
21 for the project to be online to meet the summer
22 peak loads of 2002. And assuming a 20-month
23 construction and testing schedule, which is what
24 we need to do that, you're looking at the need for
25 a decision by the end of September, essentially,

1 to accomplish that result.

2 So with those dates in mind, we have
3 gone back and looked at where we are on a couple
4 of key inputs into the Final Staff Assessment and
5 the Energy Commission process, and tried to devise
6 a schedule which comes as close as possible,
7 although not quite meeting the 12-month date, but
8 does meet the date necessary to enable the project
9 to be online for the peak -- for the summer of
10 2002.

11 The key inputs are first, of course, the
12 -- the Final Determination of Compliance on the
13 air issues. We expect that to be available by
14 early April. To be conservative, we've assumed
15 April 15th. That has been delayed by the fact
16 that the APCD feels that they need to re-notice
17 for a 30-day period the PDOC, and so that has
18 added 30 days to that schedule. But even with
19 that re-noticing, we believe that the FSA -- I'm
20 sorry, the FDOC should be available by April 15th.

21 Another key input is, of course, the
22 316A and B studies that lead to the draft NPDES
23 permit and associated staff report from the
24 Regional Water Quality Control Board. These are
25 the reports that address the water and marine

1 biology issues.

2 There was a meeting just yesterday of
3 the technical team involving Energy Commission
4 staff, Regional Water Board staff, Coastal
5 Commission and other interested parties, including
6 the Applicant, to talk -- these meetings occur
7 periodically, to talk about the progress on the
8 gathering of data for those reports.

9 The -- we can go into -- into more
10 detail about where we are in that, but in summary,
11 a great deal of information has been developed,
12 interim reports have been provided, and this
13 technical team is reviewing them.

14 The expectation that the Applicant has
15 coming out of that meeting is that we will be able
16 to provide a preliminary 316A and B level of data
17 in mid-March that will be based upon 11 of the 12
18 months of the study, and which we believe will
19 confirm the information that's already out there
20 regarding the impacts. We've been characterizing
21 that as a sort of 95 percent, or 98 percent level
22 of information, and it would allow people to begin
23 the drafting of the various reports that are
24 necessary, subject to confirmation of that -- that
25 last month's data.

1 That was the essence of the discussion,
2 as I understand it, yesterday. Based on those
3 discussions, we believe that a draft NPDES permit
4 and a associated Staff Report and the 316A and B
5 studies can be available by the end of April.

6 We also believe that what we're
7 characterizing as a draft draft -- and let me stop
8 for a moment and talk about terminology. The
9 NPDES permit cannot actually be final until the
10 Energy Commission CEQA documents are available to
11 the Regional Water Board. So when I refer to a
12 final NPDES permit, that's a back end of the
13 process document which should be the same as the
14 draft permit, subject only to the Regional Board's
15 review of the Energy Commission CEQA product.

16 When I refer to the draft NPDES permit,
17 therefore, what I'm talking about is a document
18 which is, as far as the Regional Board and Staff
19 are concerned, final, but for review of the CEQA
20 documents. And when I refer to the draft draft,
21 I'm referring to a draft of this report that would
22 otherwise be final, subject to the CEQA review.

23 So with that explanation of terminology,
24 what we expect to have happen is that there will
25 be a draft draft permit and associated Staff

1 report that should be available in mid-April, and
2 then the draft would be available at the end of
3 April.

4 Based on that and discussions with the
5 staff this morning, we agreed that Staff, assuming
6 that those dates are met -- and let me reiterate,
7 that's April 15th for the FDOC and the same date,
8 April 15th, for the draft draft NPDES permit Staff
9 report -- that Staff from that point would need 30
10 days to prepare their FSA. And based on that, we
11 agreed that the Committee should adopt a calendar
12 date for production of the FSA of May 15th. And I
13 will talk in a moment about the downstream
14 consequences of -- of that schedule.

15 But let me stop there for a moment and
16 just say the other issue that we talked about with
17 the Staff were -- would be if it turns out that
18 one of these products is late, what would we do
19 about that. And what we agreed with the Staff
20 would be that if either of these April 15th
21 products are late, or somehow inadequate, that we
22 would slip the schedule day for day from that
23 point, with the understanding that if it looked
24 like there was going to be a substantial delay
25 that the parties would meet and confer and try to

1 propose a new schedule back to the Committee. If
2 it's a short delay, we'll just -- we'll just do
3 the day for day slip.

4 Having said that, if there is a Final
5 Staff Assessment on May 15th, then we believe that
6 the hearings could take place in early June, and
7 provided that there is not the need for a revised
8 PMPD, which in this case we believe there is
9 likely not to be a need for, then we believe the
10 Committee can come to a final decision in this
11 matter in early September. And that would allow
12 the -- that avoids a bifurcation of the FSA, it
13 avoids shortening the Committee's time for writing
14 the decision, which we know that some applicants
15 have proposed in other cases.

16 It does ask the Committee to assume that
17 it will not have to revise the PMPD. And if that
18 assumption at that point in time proves to be
19 incorrect, then the Committee can slip the
20 schedule to allow for such a revision. But at
21 this point, we believe it's a reasonable
22 assumption in this case that the Committee will
23 not have to revise the PMPD.

24 This is a case where there is -- there
25 are not Intervenorors, there is not significant

1 opposition, and, at least from Duke's perspective,
2 subject to the reports that we've just described,
3 there are not major unresolved issues. And that's
4 the reason that we are confident that the
5 Committee will be able to write a decision that
6 will not need to be revised. Write a proposed
7 decision that will not need to be revised.

8 So at that point, let me stop and see if
9 there are any questions or if you'd like to confer
10 with your Staff about this proposed schedule. But
11 just to -- to summarize it once again, it would be
12 slipping the Final Staff Assessment by
13 approximately 45 days. Under the current schedule
14 it's due at the end of March, under this revised
15 schedule it would be due May 15th; to recognize
16 that that date is -- assumes an FDOC on or before
17 April 15th; that it assumes a draft draft NPDES
18 permit by that same date; and that if those -- if
19 either or both of those documents are unavailable
20 there would be, in our proposed Committee order, a
21 day for day slip in the schedule.

22 And then beyond May 15th, we would
23 assume the normal Commission schedule except for
24 the assumption of no revision of the PMPD, which
25 we think can save 30 days at the end of the

1 process.

2 HEARING OFFICER FAY: I just want to
3 explore your comment, no Intervenors or
4 opposition. CURE has intervened in this case,
5 have they not? I don't recall, I -- can you help
6 me there, Mr. Ellison?

7 MR. ELLISON: Yes.

8 HEARING OFFICER FAY: Okay. And you
9 don't anticipate their opposition?

10 MR. ELLISON: We are optimistic that we
11 will reach an agreement with them, that they will
12 not -- not be opposed to this project.

13 HEARING OFFICER FAY: Okay. And how
14 about some of the local environmental groups that
15 have had an interest in this area for a long time.
16 Have they -- have they not expressed opposition to
17 the project?

18 MR. ELLISON: We have had no expressions
19 of opposition from the project from any of those
20 groups, and, in fact, at the informational hearing
21 you may recall there was actually quite strong
22 support from many of those local groups.

23 HEARING OFFICER FAY: And -- and that
24 continues, as far as you're -- as far as you know?

25 MR. ELLISON: As far as I know. Let me

1 -- let me check first.

2 HEARING OFFICER FAY: Okay.

3 MR. ELLISON: I see nodding heads from
4 the project managers.

5 HEARING OFFICER FAY: The reason I'm
6 asking is that the schedule you've proposed
7 assumes that the hearings will be very compact.
8 Obviously, there's a big difference if we are all
9 just entering evidence in the record, it's in full
10 agreement, versus highly contested issues. So it
11 looks to me like you've sort of assumed the whole
12 record can be compiled in one week of hearings.
13 Is that correct?

14 MR. ELLISON: We did not actually lay
15 out specific dates. My assumption in putting the
16 schedule together this morning was that the
17 hearings would be compact. I think you could
18 achieve the dates that we talked about even if you
19 had to have, you know, a two-week allotment of
20 hearings, as long as it was contiguous.

21 But the answer to your question is yes,
22 we believe that the hearings will -- will -- that
23 there will not be a need for extensive hearing
24 time in this case.

25 HEARING OFFICER FAY: Okay.

1 COMMISSIONER MOORE: Chris, what -- what
2 do you expect to happen if the NPDES doesn't
3 happen on that schedule?

4 MR. ELLISON: If the --

5 COMMISSIONER MOORE: Give me -- let me
6 re-ask it.

7 How much slippage would you expect under
8 those circumstances?

9 MR. ELLISON: It depends upon how much
10 delay there is in the -- in the permit. The
11 agreement that we have with the Staff is that if
12 the draft draft permit --

13 COMMISSIONER MOORE: Right.

14 MR. ELLISON: -- is not available on
15 April 15th, that the FSA schedule and the rest of
16 the downstream schedule, presumably, will slip day
17 for day, subject to a meet and confer and propose
18 a new schedule if it looks like a substantial
19 delay.

20 So if the draft draft permit were to be
21 two weeks late, then we would expect the rest of
22 the schedule would slip two weeks.

23 COMMISSIONER MOORE: Isn't April 15th a
24 Saturday?

25 MR. ELLISON: I don't know. We didn't

1 actually check the calendar, and if we need to
2 move it a day or two one way or the other, that's
3 not a problem.

4 COMMISSIONER MOORE: So what's your
5 worst case on that? How -- how bad could it get
6 on -- on that permit?

7 MR. ELLISON: Well, there's a
8 theoretical --

9 COMMISSIONER MOORE: Because I don't
10 know what their workload is.

11 MR. ELLISON: -- worst case, and then
12 there's the worst case that you think, you know,
13 is -- is possible in the real world.

14 The theoretical worst case is, of
15 course, who knows? I mean, you know, if -- if,
16 you know, if it took them two years to write it,
17 it would be two years.

18 But based upon, you know, there's a
19 substantial amount of data that's already been
20 submitted and collected and reviewed by the
21 technical team. And, you know, as I mentioned,
22 we're going to have 11 of the 12 months data
23 available next month. So we're, you know, we're
24 looking at the vast majority of the data already
25 being in the hands of the technical experts that

1 are looking at this.

2 And there's a very strong team, by the
3 way, of experts that are looking at this on behalf
4 of all the affected agencies, and they've been
5 meeting regularly to look at this data and
6 describe what needs they have for additional data
7 and what issues they're spotting as we go along.

8 One of those meetings occurred just
9 yesterday, and based upon all of the input that we
10 got yesterday and in previous meetings, there is
11 -- we have a high degree of confidence that the
12 NPDES permit can be issued, you know, within
13 either the timeframe that we've talked about, or
14 something relatively close to it.

15 Let me talk for a moment, if I can, just
16 about the philosophy that we have used in putting
17 this schedule together.

18 On the one hand, we wanted to set a
19 schedule which is realistic and can be met. We
20 don't want to be coming back to the -- we don't
21 want to come here and propose a schedule to you,
22 and I know the Staff feels the same way, that we
23 know cannot be met. So we believe that this
24 schedule can be met, based upon meetings that
25 occurred as recently as yesterday.

1 At the same time, we think one of the
2 important functions that the Energy Commission
3 provides is a schedule forcing function. So we
4 have tried to adopt dates that are somewhat
5 aggressive in that way, and not just to force the
6 schedule, you know, for its own sake, but largely
7 because of this concern about not being able to
8 meet the summer peak in 2002.

9 And so the real question, from Duke's
10 perspective, is what is the likelihood that there
11 would be a slip in the -- in the NPDES permit of
12 sufficient magnitude to affect that end date. And
13 while I wish I could guarantee to my client and to
14 you that that's impossible. I can't. But I can
15 tell you that we are working extremely hard to
16 make sure that doesn't happen. We believe we have
17 the cooperation of other agencies that are
18 involved in this process to make sure that doesn't
19 happen.

20 But in order for that to happen, this --
21 this schedule, or something very close to it, has
22 to -- has to occur. And so I think it's
23 important, for that reason, for the Committee to
24 adopt a schedule that has calendar dates in it
25 that set reasonably aggressive but achievable

1 deadlines, and that's what we've tried to do.

2 And we met for, you know, a couple of
3 hours this morning with the Staff, going over in
4 detail -- and Staff, by the way, was represented
5 at this meeting yesterday -- going over these
6 inputs into the process, the reasonableness of the
7 schedule. And I think, you know, Staff should
8 speak for themselves, but I think they would agree
9 that it is an aggressive schedule, but it's one
10 that -- that has the, you know, that can be met if
11 people continue working diligently, which they
12 are.

13 COMMISSIONER MOORE: Thanks. Let me
14 digress for just a second, then, and turn to the
15 Public Adviser on the question of public
16 involvement. And Roberta, if I could ask you to
17 come up for a second and just tell us what you
18 know about anything happening in the field, what
19 -- what's the status of public involvement in
20 this?

21 PUBLIC ADVISER MENDONCA: Well, I --
22 usually I bring a piece of paper so I can
23 summarize, but I didn't bring that with me.

24 I made several visits early in the
25 process to the community to attempt to locate some

1 type of interest group for public participation.
2 After the Informational Hearing, most of the
3 contacts that I made indicated that they were
4 primarily favorable to the project, and I have not
5 had any indication that any of that has changed or
6 that there would be any other people -- I will
7 once again be in the community before the next
8 workshop, and that will be an opportunity for --

9 COMMISSIONER MOORE: Good. Thank you.

10 REPORTER: Excuse me. I was having
11 trouble hearing from the mic that Roberta spoke
12 at.

13 COMMISSIONER MOORE: Did you get
14 everything she said?

15 REPORTER: I got a lot of feedback, and
16 it would be better if she repeated it into one of
17 these.

18 COMMISSIONER MOORE: Okay. And what
19 about the mic next to Chris, does that work?

20 PUBLIC ADVISER MENDONCA: My name is
21 Roberta Mendonca, and I'm the Public Adviser.

22 COMMISSIONER MOORE: No, use the other
23 microphone, Roberta. She's just interested in
24 your -- she knows who you are.

25 (Laughter.)

1 COMMISSIONER MOORE: She's interested in
2 the last --

3 PUBLIC ADVISER MENDONCA: I was trying
4 to give her a test.

5 COMMISSIONER MOORE: -- the last three
6 or four sentences that you said.

7 PUBLIC ADVISER MENDONCA: Okay. Sorry.

8 I was in the community as a part of my
9 initial outreach, and at that time -- followed
10 with the Informational Hearing. And at the
11 Informational Hearing most of the groups that I
12 had spoken with indicated that they were pretty
13 much in support of the project. And I've had no
14 information to disagree with that since that time.

15 I will be in the neighborhood for the
16 next workshop, which is next week, and that will
17 be an opportunity for me to revise that
18 information, but I don't foresee anything in
19 particular happening that would cause me to change
20 that.

21 COMMISSIONER MOORE: Thank you.

22 PUBLIC ADVISER MENDONCA: You're
23 welcome.

24 HEARING OFFICER FAY: Mr. Ogata, can
25 you, or Mr. Richins, can you add anything to what

1 we've heard so far?

2 MR. RICHINS: As it relates to public
3 comment, I have not received any phone calls or
4 any contact from the public expressing concerns
5 about the project. So to answer that question,
6 I'm not aware of anybody, other than the one
7 individual that spoke at our Informational Hearing
8 about the noise issue.

9 As it relates to Chris Ellison's
10 comments, I think that's a fair characterization
11 of our -- what we believe, or what we would
12 recommend for a schedule. Because of the
13 coordination with the various agencies and the
14 Staff and the workload here at the Energy
15 Commission, we're requesting 30 days from the
16 receipt of the last document to put together the
17 Final Staff Assessment.

18 And those two critical documents that
19 are still missing is the Final DOC from the Air
20 District, and the Preliminary Draft Permit from
21 the Regional Water Control Board.

22 There's one additional thing that I
23 would like to add, and that is the Coastal
24 Commission, there's a requirement for the Coastal
25 Commission to provide a report to the Energy

1 Commission as part of their review of the project.
2 They, too -- it seems like they, too, need a
3 period of time after the Regional Water permit
4 comes out for them to complete their report. I
5 was speaking to them over the phone just this
6 afternoon, and I think they're comfortable with
7 having a dialogue between their staff and our
8 staff, and we can incorporate any issues that may
9 have been missed into the Final Staff Assessment
10 via telephone conversations, and maybe face to
11 face meetings with them, if necessary.

12 But we do anticipate that the
13 Preliminary Staff Assessment and the Final Staff
14 Assessment, along with the Final DOC and the NPDES
15 permit from the Regional Water Board will cover
16 all the issues, and we're not anticipating any
17 surprises from the Coastal Commission. However,
18 if there are -- anything that is missed, we plan
19 to coordinate closely with the Coastal Commission
20 to get that into the Final Staff Assessment.

21 And to bring the document, their
22 document into our process would be to bring it in
23 at the time of the Evidentiary Hearings. And so
24 that would be the only addition that I would add
25 to what Chris Ellison spoke about.

1 HEARING OFFICER FAY: And they have a
2 copy of the FSA?

3 MR. RICHINS: The PS --

4 HEARING OFFICER FAY: Or the PSA,
5 rather?

6 MR. RICHINS: -- the PSA, right. And
7 they -- they will be at our workshop on the first,
8 and -- in which we'll be talking about land use
9 issues, air quality, traffic and transportation,
10 and some other issues of interest to them.

11 HEARING OFFICER FAY: So you don't
12 anticipate the Coastal Commission slowing down the
13 proposed schedule, it sounds like.

14 MR. RICHINS: Yeah, if you're
15 comfortable and the Committee is comfortable with
16 having the report instead of having the report in
17 front of the Final Staff Assessment, and having
18 their report come in almost concurrently with the
19 Final Staff Assessment, we feel comfortable with
20 that, because we'll -- we have regular
21 communication and contact with them, and will
22 continue to do that so that any of their concerns
23 can be factored into Staff's assessment.

24 HEARING OFFICER FAY: Mr. Ogata, in your
25 view will that meet the requirements of the

1 statute that there be a report from the Coastal
2 Commission and consultation?

3 MR. OGATA: I believe so, Mr. Fay,
4 because, as you know, as you're aware, there's a
5 little bit of a glitch in terms of the actual
6 requirements of the statute, because the statute
7 contemplated comments from the Coastal Commission
8 with respect to an NOI, which this isn't. So
9 there is a little glitch there. But to carry out
10 the intent, which is to get Coastal Commission
11 input, we have asked them to provide this report
12 to us.

13 So I'm comfortable with the fact that
14 because at this time it doesn't appear, from any
15 of the information we have, that the Coastal
16 Commission is going to have any serious problems
17 with this project, maintaining telephone or face
18 to face communication with them to get their input
19 prior to getting a actual written report I think
20 will serve all of our purposes and will work out
21 quite well.

22 HEARING OFFICER FAY: So do you
23 anticipate introducing the report at the
24 Evidentiary Hearings, having already incorporated
25 their comments into the FSA?

1 MR. OGATA: I don't think we've really
2 thought about it that far in advance, because at
3 this point, again, we're still speculating as to
4 when it'll actually arrive. We hope it'll arrive
5 in time for the FSA. If not, we'll have to see
6 what the substance of the comments are. If it's
7 just a letter that says we agree with everything
8 you said, then I don't imagine we'll have to
9 introduce it. So I think it's kind of premature
10 to, you know, speculate as to how we'll handle it
11 until we actually see it.

12 HEARING OFFICER FAY: One thing I wanted
13 to explore is, is Staff amenable to -- and I
14 understand you feel the need to have the FSA in a
15 single document, but if, for instance, one or both
16 of the critical documents are delayed, either the
17 NPDES preliminary report or the final DOC, would
18 it be possible to move forward on hearings with
19 Staff essentially filing the sections, the
20 appropriate sections of the FSA for a given
21 hearing ten days before the hearing, and
22 publishing the formal document at the time that
23 they can complete the document so that we can
24 begin establishing the record on schedule, and
25 move to those trailing topics when we have the

1 information and still have a complete FSA, but not
2 hold up the beginning of Evidentiary Hearings to
3 do so?

4 Just exploring that idea.

5 MR. RICHINS: Yeah. We -- we've had a
6 lot of discussion about this in our office, as you
7 might imagine. From the standpoint of those areas
8 that we think will take -- well, a way of handling
9 the procedures that you might want to consider is
10 taking all areas by affidavit, other than those
11 areas that the county or agencies might have some
12 keen interest in.

13 And right now, my guess is that Traffic,
14 Air Quality, Water, Biological Resources, and
15 maybe Land Use are probably the only areas that
16 are of interest to other agencies, other than the
17 Energy Commission. And so all of the rest of
18 those areas probably can be taken care of quite
19 easily.

20 Back to the subject of -- of kind of
21 splitting up the FSA, we've had a lot of
22 discussions with Therkelsen, Bob Therkelsen in our
23 office, about that. And he has provided a letter
24 to the Siting Committee recommending that we don't
25 do that, from the standpoint of having a complete

1 record, complete document for the record. Also,
2 it has implications for workload with the Staff at
3 the Energy -- the Staff. And so he -- he would
4 recommend that we not go down that route.

5 And so in our status report we did not
6 suggest that, and we wanted to be consistent with
7 the recommendation that we made to the Siting
8 Committee, or that Bob Therkelsen made to the
9 Siting Committee, and that was to come out with a
10 single document.

11 HEARING OFFICER FAY: And what I was
12 exploring wasn't to change that single document
13 idea. It was just to, if you will, file chapters,
14 and I would assume they'd be identical chapters
15 from the FSA, file them in ten days prior to the
16 Evidentiary Hearing on a given topic, even though
17 you would be filing the -- you would be publishing
18 the FSA as a single document at a later time, just
19 to be able to keep moving on the hearings.

20 But, you know, that -- we're just
21 exploring that, that doesn't need to be nailed
22 down at this time, as a contingency plan
23 possibility.

24 I don't anticipate that we'd be ruling
25 on that particular question. But we throw it out

1 as something to think about. It's impossible to
2 anticipate, from what you folks have told me,
3 what, if any, delay will occur, and how long it
4 might be. But if it's more than just a few days
5 there might be an advantage in establishing as
6 much of the record as we can, rather than have
7 everything delayed until a single permit comes in.

8 So we're just trying to respond to the
9 concerns of the parties about keeping the schedule
10 moving.

11 Any other comments on this?

12 I think we've pretty much heard the
13 state of the record right now.

14 Nothing more? Okay.

15 Thank you. I anticipate that the
16 Committee will respond with a revised scheduling
17 order. And I appreciate your efforts in -- in
18 trying to work out a realistic solution to what's
19 going on.

20 Thank you. We're adjourned.

21 (Thereupon, the Status Conference
22 was adjourned at 2:40 p.m.)

23

24

25

CERTIFICATE OF REPORTER

I, DEBI BAKER, an Electronic Reporter,
do hereby certify that I am a disinterested person
herein; that I recorded the foregoing California
Energy Commission Status Conference; that it was
thereafter transcribed into typewriting.

I further certify that I am not of
counsel or attorney for any of the parties to said
Status Conference, nor in any way interested in
the outcome of said Status Conference.

IN WITNESS WHEREOF, I have hereunto set
my hand this 3rd day of March, 2000.

DEBI BAKER

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